

ENTERED

January 03, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CHIVA CHAPA,

Plaintiff,

v.

MARTIN O'MALLEY,

Defendant.

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CIVIL ACTION NO. 2:24-CV-00131

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

Before the Court is Magistrate Judge Julie Hampton's Memorandum and Recommendation ("M&R"). (D.E. 12). The M&R recommends that the Court grant Defendant's unopposed motion to reverse and remand. *Id.* at 2.


The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, L.P.*, No. 4:14-CV-02700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015) (Harmon, J.) (citation omitted).

Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 12). Accordingly, the Court **GRANTS** Defendant's unopposed motion to reverse and remand. (D.E. 11). Pursuant to sentence four of 42 U.S.C. § 405(g), the Court **REVERSES** and **REMANDS** the Commissioner's denial

of disability benefits for further consideration. The Court will enter final judgment separately. FED.

R. Civ. P. 58; *see also Shalala v. Schaefer*, 509 U.S. 292, 297–98 (1993).

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Signed: Corpus Christi, Texas
January 3rd, 2025